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CITY OF MARLBOROUGH
City Council Agenda

Monday, February 13, 2023
8:00 PM

This meeting of the City Council will be held in City Council Chambers, City Hall, 140 Main Street. **PUBLIC ATTENDANCE IS PERMITTED.** This meeting will be televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34), or you can view the meeting using the link under the Meeting Videos tab on the city website (www.marlborough-ma.gov).

1. Minutes, City Council Meeting, January 23, 2023.
2. PUBLIC HEARING on the Proposed Ordinance Amendment to Chapter 315 "Enforcement", §2 "Non-criminal Disposition" to ensure consistency with state law as submitted by the Mayor and Board of Health, Order No. 23-1008796.
3. Communication from Council President Ossing, re: Appointment of Councilor Robey as Council Liaison to assist with Multifamily Development Review Criteria and Guidelines working group.
4. Communication from the Mayor, re: Grant Acceptance in the amount of \$15,500.00 from the MA Emergency Management Agency (MEMA) awarded to Marlborough Emergency Management to be used to fund the acquisition of additional equipment and supplies for an emergency shelter.
5. Communication from the Mayor, re: Grant Acceptances totaling \$175,000.00 from the MA Office of Travel and Tourism awarded to the Department of Public Works to be used for upgrades and repairs to the Westerly Water Treatment Plant and the cost for roof replacement at the Lake Williams pumping station.
6. Communication from the Mayor, re: Mid-Year Transfer Requests totaling \$1,643,050.00 from various departments for FY23, which moves funds from and to accounts as outlined in the transfer sheets.
7. Communication from the Mayor, re: Request for an increase in the spending limit for the Public Safety Revolving Fund for FY23 from \$120,000.00 to \$203,000.00
8. Communication from the Mayor, re: Proposed Order to Amend the Senior Citizen Property Tax Work Off Program, to increase the amount of the tax deduction from \$1,000.00 to \$1,500.00 to eligible seniors.
9. Communication from the Mayor, re: Appointment of Chad Carter as the Executive Director of the Community Development Authority for a 3-year term to expire on January 31, 2026.
10. Communication from the Mayor, re: Reappointment of Diane Smith as City Auditor for a 3-year term to expire on February 24, 2026.
11. Communication from the Mayor, re: Reappointment of Michael Hennessy as Director of Veterans' Services for a 3-year term to expire on March 23, 2026.

Electronic devices, including laptops, cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber, and any person violating this rule shall be asked to leave the chamber. Express authorization to utilize such devices may be granted by the President for recordkeeping purposes.

12. Communication from the Mayor, re: Reappointments to the Council on Aging for 4-year terms of Patricia Gallier and Leslie Biggar to expire on May 4, 2026.
13. Communication from the Mayor, re: Reappointments to the Library Board of Trustees for 3-year terms of Thomas Abel to expire January 7, 2025, William Brewin to expire September 23, 2024, Rustin Kyle to expire September 23, 2024, Janice Merk to expire February 2, 2024, and Robyn Ripley to expire February 1, 2025.
14. Communication from City Solicitor Jason Grossfield, re: Proposed Order authorizing a Regulatory Agreement and Declaration of Restrictive Covenants for Rental Project pursuant to Special Permit (19-1007762C) condition #6, Green District, Phase 1.
15. Communication from Assistant City Solicitor Jeremy McManus, on behalf of President Ossing, re: Proposed Ordinance Amendment to Chapter 473 "Poles, Wires and Conduits" to amend §30 "Aesthetics and Additional City Requirements" to address siting requirements for small cell wireless facilities, including installation equipment.
16. Communication from Assistant City Solicitor Jeremy McManus, re: Application for Special Permit by Brian Martinelli on behalf of Dish Wireless to install 3 new antennas and a 5'x 7' platform on an existing cell tower located on city property located at 860 Boston Post Road, in proper legal form, Order No. 22/23-1008710.
17. Communication from Assistant City Solicitor Jeremy McManus, re: Proposed Order of Acceptance along with acceptance plan and description of easements regarding Goodale Estates Subdivision, Acceptance of Jenks Lane as Public Way, in proper legal form, Order No. 22-1008767.
18. Communication from Assistant Building Commissioner William Paynton, re: Request for Approval of a Flat Wall Sign, Harry's Construction, 561 Boston Post Road East, within the Wayside District.
19. Communication from Code Enforcement Officer Ethan Lippitt, re: Request for Approval of two (2) Replacement Flat Wall Signs, and Replacement of a Free-Standing Sign Panels, Home Décor Group, 576 Boston Post Road East, within the Wayside District.
20. Communication from the Planning Board, re: Favorable Recommendation of Goodale Estates Subdivision, Acceptance of Jenks Lane Way as Public Way, Order No. 22-1008767.
21. Communication from the Central MA Mosquito Control Project, re: Budget Notification for FY24 and Compliance Certification Policy.
22. Minutes of Boards, Commissions and Committees:
 - a) School Committee, January 10, 2023.
 - b) Council on Aging, November 29, 2022.
 - c) Library Trustees, September 22, 2022.
 - d) Zoning Board of Appeals, January 31, 2023.
23. CLAIMS:
 - a) Jessica Camara, 43 Curtis Avenue, Unit B, pothole or other road defect.
 - b) Emmanuel Diaz, 19B Cook Lane, pothole or other road defect.
 - c) Arnold Johansen, 226 Stow Road, residential mailbox claim (2a).
 - d) Heath Karp, 113 Highland Street, other property damage and/or personal injury.
 - e) Herzen Reis, 12 Gates Avenue, residential mailbox claim (2b).
 - f) Kevin Ripston, 10 Dwight Avenue, Natick, pothole or other road defect.
 - g) Bruno de Araujo Souza, 15 Girard Street, residential mailbox claim (2a).

REPORTS OF COMMITTEES:

UNFINISHED BUSINESS:

From Public Services Committee

24. **Order No. 22-1008710: Application for Special Permit by Dish Wireless to install 3 new antennas and a 5'x 7' platform on an existing cell tower located on city property located at 860 Boston Post Road.**

Recommendation of the Public Services Committee is to APPROVE.

On a motion by Councilor Irish, seconded by Councilor Brown, the committee recommends approval of the special permit, together with draft decision including Condition #8 requiring a pre-construction meeting to discuss access to the site during construction. Vote 3-0.

25. **Order No. 22-1008739: Petition of Mass Electric to install a push brace off Pole #18 on Mechanic Street which is needed to support pole with wires going down Manning Street.**

Recommendation of the Public Services Committee is to APPROVE.

On a motion by Councilor Irish, seconded by Councilor Brown, the committee voted to recommend approval of the Revised Petition with the following conditions, Vote 3-0.

- 1) National Grid shall confirm the new pole and anchor are located in the public way prior to placement of the new utilities
- 2) Petition is subject to the eleven (11) standard conditions for utility conditions; 3) Pole 0-5 shall be located on the street side of sidewalk and no further than fifteen (15') feet from Manning Street.